

**Planning Commissioner's Written Comments
June 10, 2014**

Harmony Road II Revisions (Z1400008)

Ms. Board

Trails provide value to neighborhoods and quality of life for Durham. We can't just remove them without deep consideration. Therefore; I recommend NOT approving this request as offered. At least one of the following should be done before this comes to a:

1. A greater effort must be put forward a modified committed element which makes the correction along an efficient route which may include residential roads.
2. At a minimum, the neighborhood must be compensated for this loss and this must be in place with a legal agreement. Either alternate amenities or funding to build the trail in the future.

Mr. Davis

I vote approval. The increase imperious surface is not warranted for this type of construction, sidewalks currently exit for safe walkable and bikeable routes.

Mr. Gibbs

Approved. Modifications of text commitments.

Ms. Huff

To preface I would like to thank Patrick Young for taking the time to clarify the issues from what was a most confusing discussion.

Speaking for myself, if I had had the information I have now and I believed Woodcroft residents were opposed to the creation of a Chamberlynn-Woodcroft connection facilitating access either to the Woodcroft trail system or the ATT, I would have supported the rezoning. Had someone said, yes, Third Fork Creek Tributary Trail is on the master plan but it can't be built and the developer is dedicating an alternate easement to satisfy this requirement of the adopted plan, I would have been satisfied. But that wasn't the case.

To begin with, we didn't have important information in our packets. Third Fork Creek Tributary Trail was misidentified as Third Fork Creek Trail and the packet claimed the requests were in compliance with all adopted plans which on the face of it they weren't. This created a confusion that was hard to get past. Our packet also did not contain anything showing the hypothetical position of the proffered trails--it could have had the map that the

developer distributed before the meeting or perhaps the old site plan. Presumably we also could have known in advance that the section of the sewer easement where the asphalt trail was supposed to go wasn't wide enough to accommodate a trail development. (I believe that was brought out at the end of the meeting.) For those of us who have used Sandy Creek Trail it was not obvious there would be insurmountable problems. Finally throughout the meeting, the mulch trail which no one seemed to support was conflated with the asphalt trail which several of us wanted to see built.

Aside from the fact we were discussing a portion of a trail from one of our adopted plans and that fact was being denied, there were a couple of other issues that muddled the waters. First there is the fact that ordinance doesn't cover private trail amenities. However, the reason we had this matter before the Planning Commission was not about private vs non-private, it was about whether or not a committed element that supposedly contributed to property value or quality of life was being removed from the development plan. The property owners of Chamberlynne who purchased lots believing they had a certain amenity were now not going to have it. I assume committed elements are meant to enhance the desirability of living in a development and the developer offers them to attract buyers or make what in their vision is a better community. No one is holding anybody's feet to the fire here. The matter at hand was the broken promise and if that isn't of public interest then I don't understand how developers can be held to any proffers because those proffers by their very nature are above and beyond the ordinance.

The other issue in my mind was whether or not the residents of Woodcroft really opposed both of these proffered commitments. Now it is a bad idea for a developer to promise to build something where he doesn't have easements, especially when those easements involve property off site and I felt bad for these developers holding this bag from a previous zoning. However, the people from Woodcroft speaking for removal of the elements were most concerned, in my opinion, about the mulch trail, whereas the people speaking against removing the committed elements were concerned only with the piece of the asphalt trail connecting Chamberlynne to Morningside Drive. Insofar as the opinions of Woodcroft residents were germane to the conversation it was hopelessly confusing with people talking at cross purposes, ascribing characteristics of one trail to the other. From the minutes

I read where the Woodcroft HOA discussed this issue, it appeared that community was willy-nilly about the project, not opposed to it. Being unopposed to the removal of one or both of the elements (as stated in the letter from Woodcroft) is not the same thing as being adamantly for the that removal. Before the meeting, I could find no evidence of a vote on it. I could find no evidence of people saying no no no we don't want the asphalt connector trail. Hopefully the wishes of Woodcroft will be clarified in further discussions down the road.

I hope those with a stake in having the connection from Chamberlynne to the Woodcroft trail system or the ATT built will make their opinions known before the elected officials if only so all of this gets straight in everyone's mind.

Mr. Padgett

Vote to approve

Mr. Smudski

It is important that the community not be opposed to trails in general. This specific stub is not important to DOST and could be eliminated to help this project progress.

Ms. Walter

This case has too many issues to be approved at this time by the Planning Commission.

Standard Pacific negotiations with neighborhood/ Chamberlynne for substitute improvements (instead of trails) are not finalized.

While Woodcroft HOA did not object to dropping commitment they did not say they are opposed to trail amenity – this should have been further pursued.